

RULE
Department of Economic Development
Office of Business Development
Office of Entertainment Industry Development

Louisiana Filmmakers Grant Fund Program
(LAC 61:I.Chapter 16)

The Department of Economic Development, Office of Business Development, Office of Entertainment Industries Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 47:6007, has adopted Rules relative to the newly created Louisiana Filmmakers Grant Program.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the
Secretary of Revenue
Chapter 16. Louisiana Entertainment Industry Tax
Credit Programs
Subchapter B. Louisiana Filmmakers Grant Fund
Program

§1615. Preamble and Purpose

A. The Louisiana Filmmakers Grant Fund Program is vital to support the state's entertainment industry and the state's long-term goals in its master plan for economic development for the State of Louisiana.

B. The purpose of this Chapter is to implement the Louisiana Filmmaker Grants Program as established by R.S. 47:6007.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development, in cooperation with the Office of Entertainment Industry Development, LR 37:515 (February 2011).

§1616. Definitions

Applicant—the entity or natural person requesting a grant award from LED.

Award—funding approved under this program for eligible activities and expenditures.

Award Agreement—that agreement or contract hereinafter referred to between the applicant, and LED, through which, by cooperative endeavor agreement or otherwise, the parties set forth the amount of the award, the terms, conditions and performance objectives of the award provided pursuant to these rules.

Contract—a legally enforceable Award Agreement between LED and the successful applicant governing the terms and the conditions of the award.

LED—Louisiana Department of Economic Development.
Office—Office of Entertainment Industry Development
Program—the Louisiana Filmmakers Grant Fund Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

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§1617. General Principles

A. The following general principles will direct the administration of the program.

1. LED shall serve as the administrators for this Program.

2. LED, through the office, in conjunction with a panel of entertainment industry experts, shall serve as the review panel.

3. Awards are not to be construed as an entitlement and such awards shall be subject to the discretion of LED.

3. LED shall negotiate with each applicant seeking an award, based on the individual merits of each project.

4. Contracts for awards shall contain “clawback” (or refund) provisions to protect the state in the event of a default.

5. Award funds shall be utilized for the approved project only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development in cooperation with the Office of Entertainment Industry Development, LR 37:516 (February 2011).

§1619. Program Descriptions

A. This program is to be used to support Louisiana’s independent filmmakers, domiciled in Louisiana, who make a film in Louisiana, the total cost of which shall not exceed three hundred thousand dollars. The maximum amount of any grant shall not exceed the lesser of 50 percent of the total cost of the film or \$100,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development, in cooperation with the Office of Entertainment Industry Development, LR 37:516 (February 2011).

§1621. Eligibility

A. An applicant must be a Louisiana resident, with proof of at least 3 years residency.

B. An applicant must be the principal creative author of the production and hold complete artistic, creative and budgetary control.

C. Eligible project formats, may include, but not be limited to: documentary, feature length film, TV pilot, TV series, webisodes, animation, experimental shorts.

D. Ineligible project formats, may include, but not be limited to: reality shows, industrial, commercial, tourism, political campaigns or promotional pieces.

E. 100 percent of the project must be shot in Louisiana.

F. 100 percent of the project must post in Louisiana.

G. 100 percent of the crew must be Louisiana residents.

H. 75 percent of the talent must be Louisiana residents.

I. Grants will be awarded on a one time basis only and previous award winners will not be allowed to reapply.

J. An applicant shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to its failure or inability to pay its obligations; including state or federal taxes, or bankruptcy proceedings, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has a previous contract with LED in which the company is in default and/or is not in compliance.

K. Applicants must be in full compliance with all state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

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§1623. Criteria

A. LED will consider various factors when determining which awards will be funded. Among the factors which may be taken into account in the review of the award requests are the following:

1. availability of funding;

2. recommendation of the office and an entertainment industry expert panel review committee;

3. artistic quality;

4. applicant’s demonstrated ability and creativity;

5. managerial and fiscal ability of the applicant to carry out the proposed project;

5. nature and extent of other revenue, in-kind goods and services, and/or public or private support; and

6. portrayal of Louisiana culture in a positive light.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development, in cooperation with the Office of Entertainment Industry Development, LR 37:516 (February 2011).

§1625. Application Procedure

A. An applicant may apply for this program by submitting the following information to the office:

1. a written application, including but not limited to, a detailed description of the proposed project, a preliminary budget and a grant request; and

2. supporting information as requested by the office, including but not limited to examples of prior or proposed work.

B. The office shall review the application and supporting information, and if it is found to be incomplete or if further information is needed shall contact the applicant and request such information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development, in cooperation with the Office of Entertainment Industry Development, LR 37:516 (February 2011).

§1627. Submission and Review Procedure

A. The office shall accept applications twice a year, between June 1 and July 1 and December 1 – January 1,

each calendar year, and upon determination that an application meets the general principles, eligibility requirements, and criteria for this program, the Office will then make a recommendation to an entertainment industry panel for further review.

B. The entertainment industry panel shall be comprised of representatives from the higher education community with curricula in film, and its members shall be identified on LED's website "LouisianaEntertainment.gov".

C. Each panel member shall complete an independent evaluation of each application and score them based upon a scoring form, to be posted on "LouisianaEntertainment.gov".

D. All panelists shall meet in a closed session to discuss their individual evaluation findings and to form consensus scoring of all proposed projects. The panel shall then recommend the highest scoring project(s) to be issued an award by LED.

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§1629. General Award Provisions

A. Award Agreement

1. Awards will be issued twice a year, by September 1 and March 1 of each calendar year.

2. A written award agreement, contract or cooperative endeavor agreement will be executed between LED and the successful applicant. The contract will specify the performance objectives expected and the compliance requirements to be enforced in exchange for state assistance, which will include, but not be limited to:

a. award amounts may vary at the discretion of LED and shall not exceed the lesser of 50 percent of the total cost of the film or \$100,000.

b. applicants and awardees are not allowed to use monies appropriated by the state of Louisiana as an eligible cost for reimbursement.

c. applicant shall agree to display LED's Louisiana Entertainment logo in the opening credits of the project;

d. applicant shall agree to grant LED rights to screen or use the project for promoting Louisiana's Entertainment industry; and

e. applicant shall agree to provide a service to LED in return for state funding. The service could take many forms, such as free training workshops to Louisiana residents in a specific area of filmmaking; free lectures, seminars or demonstrations, free public screening of completed works, mentoring or internships.

3. LED will disburse funds to the applicant as provided by the Award Agreement or Contract.

4. LED will oversee the progress of the approved project and reimburse the applicant on the basis of the cost reports and supporting documentation certifying the amount expended for which reimbursement is sought. LED may request the applicant at any time and from time to time to submit additional or supporting information.

B. Funding

1. The Louisiana Filmmakers Grant Program offers financial assistance in the form of a performance-based grant

for reimbursement of eligible project costs specified in the award agreement.

2. Eligible project costs may include, but not be limited to:

a. production costs: wages for crew and talent, equipment rental, props, permits and fees, art department, set construction wardrobe; and

b. post production costs: special effects, sound, scoring, video.

3. Ineligible project costs for reimbursement may include, but not be limited to:

a. purchase of equipment or creation of new facilities;

b. operating expenses of privately owned facilities; and

c. hospitality or entertainment costs.

C. Conditions for Disbursement of Funds

1. Funds will not be available for reimbursement to the applicant until an award agreement or contract between the applicant and LED has been finalized and executed.

2. Funds will be available on a reimbursement basis following submission of required documentation to LED by the applicant and will be based upon performance objectives as provided in the contract.

D. Compliance Requirements

1. In order to be paid or reimbursed as provided by the contract, the applicant shall be required to complete and submit to LED cost reports certifying the amount expended along with progress reports describing the applicant's progress toward the performance objectives specified in its contract with LED.

2. In the event an applicant fails to meet its performance objectives as specified in its contract, LED shall retain the right to withhold award funds, modify the terms and conditions of the award, and/or to reclaim disbursed funds from the applicant in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state, as determined by LED.

3. In the event an applicant knowingly files a false statement in its application or in a progress report, the applicant may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133.

4. LED shall retain the right, for itself and for the Legislative Auditor, to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the company.

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Kristy McKearn
Undersecretary

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